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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,550	07/16/2004	Willi Schneider	2104 0092US	4490
29894	7590	07/13/2006		
DREISS, FUHLENDORF, STEIMLE & BECKER POSTFACH 10 37 62 D-70032 STUTTGART, GERMANY			EXAMINER TRIEU, THERESA	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/501,550

Applicant(s)

SCHNEIDER, WILLI

Examiner

Theresa Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-25 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 26-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-20, 23-25 and 32 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is responsive to the applicant's election filed on April 19, 2006.

#### ***Election/Restrictions***

1. Applicant's election with traverse of species of Figs. 1-4 in the reply filed on April 19, 2006, claims 17-25 and 32 being readable thereon, is acknowledged. The traversal is on the ground(s) that why the restriction among the species has been made in the U.S. application. The reason why the examiner required an election of species is the claims recite several limitations which are mutually exclusive to the different species as noted by the examiner in the Restriction Requirement mailed on March 29, 2006. Examining all of these numerous distinct features of the entire application would place a serious burden on the Examiner. The search required for any one of the species would not be required for the remaining species.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-20, 23-25 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Anthony (Publication Number GB 1,426,223).

Regarding claims 17-20, 23-25 and 32, as shown in Fig. 1, Anthony discloses a rotational pump having variable volume flow, the pump comprising: a pump housing having a suction connection (22) and a pressure connection (22); outer and inner rotors having inner and outer

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toothing (see abstract), the outer rotor rotatably disposed inside the housing; the inner rotor eccentrically disposed in the outer rotor; a drive shaft (not numbered; however, clearly seen in Fig. 1) disposed in the pump housing, the drive shaft extending parallel to an axis of the outer rotor (30), the drive shaft cooperating with the inner rotor; a rotatable adjusting ring (20), within which the outer rotor is eccentrically and rotatably disposed, the adjusting ring disposed coaxially to the drive shaft; and a slider (14, 16, 18, 19, 26) disposed, as viewed in a turning direction, between the pressure connection and the suction connection (22), the slider (14, 16, 18, 19, 26) communicating with the adjusting ring (20) to vary a size of at least one of the pressure connection and the suction connection for changing the volume flow in the pump housing; sizes of both the pressure connection and the suction connection (22) are changed; a size of one connection (22) being increased by a same amount as a size of the other connection being decreased; the pressure connection and the suction connection (22) defining at least one groove having a shape of a partial circle; the slider being formed as a sliding block; the slider (14, 16, 18, 19, 26) being driven via the adjusting ring; the slider (14, 16, 18, 19, 26) being directly connected to the adjusting ring (20); the pump having a modular construction.

#### ***Allowable Subject Matter***

3. Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of three patents: Specht (U.S. Patent Number 4,492,539), Eisenmann

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(U.S. Patent Number 6,126,420) and Schopf (Publication Number DE 4,231,690), each further discloses a state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT  
July 6, 2006



Theresa Trieu  
Primary Examiner  
Art Unit 3748